

Rinuy, Santarelli & Cabinet Bonnet-Thirion

Conseils en Propriété Industrielle

European Patent, Trademark and Design Attorneys

Marc Santarelli ▲ *■
Luc Santarelli ▲ *■
Laurence Julien-Raes ▲ ■
Thierry Caen ▲ *■
François Lepelletier-Beaufond ▲ *■
Herbert Lewitter ▲ *■
Bruno Quantin ▲ *■

Georges Foldes
Didier Billois
Arnaud Bonnans ▲ *■
Richard Combes ▲ ■
Arnaud Delplanque
Sylvain Espinasse
Sergio Fernandes
Michel George ▲ ■
Julie Haller
Jean-Luc Hartmann ▲ *■
Laurent Kurtz ▲ *■
Eric Le Bihan ▲ ■
Karine Mikus ▲ ■
Valérie Moncade ▲ ■
Daniel Mustaki
Olivier Nicolle ▲ *■
Marie-Claude Pellegrini
Georges Perin ▲ *■
Maxime Petit ▲ ■
Isabelle Poujade-Auriol ▲ *■
Muriel Rosenberg ▲ *■
Hélène Stankoff ▲ *■
Olivier Thrierr ▲ ■
Catherine Ulmann ▲ *■

▲ Conseil en Propriété Industrielle
Intellectual Property Attorney

* Mandataire agréé auprès
de l'Office Européen des Brevets
European Patent Attorney

■ Conseil Européen en Marques
European Trademark Attorney

Administration
Nicole Cordillot
Monique Pouchin
Elisabeth Poulet
Fabienne Wast

Secrétariat général & finance
Dominique Labauge

Bureau de Marseille
146 rue Paradis
13294 Marseille Cedex 6
Tel +33 (0)4 96 10 21 10
Fax +33 (0)4 96 10 21 15
E-mail marseille@santarelli.com

Bureau de Toulouse
Bureau Innopolis A
Boîte Postale 388
31314 Labège Cedex
Tel +33 (0)5 61 00 75 30
Fax +33 (0)5 61 00 75 39
E-mail toulouse@santarelli.com

OFFICE EUROPEEN DES BREVETS
D – 80298 MUNCHEN

Via facsimile No. 498923994465
+ Confirmation by TNT No.

Paris, September 9, 2005

O/Ref: ON/IM - BIF116131/WO

CANON KABUSHIKI KAISHA

International patent application No. PCT/IB04/03883 filed on 10 November 2004
«A method for accessing or sharing a digital document in a peer-to-peer communication network»

Dear Sirs,

We hereby inform you that our client has decided to request the International Preliminary Examination and to response to the Written Opinion by submitting a new set of claims.

We therefore enclose PCT/IPEA/401 Form and a new set of claims 1 to 19.

Sincerely yours,
SANTARELLI

Olivier NICOLLE
Association of Representatives No. 89

Siège social / Head office

14 avenue de la Grande-Armée - Boîte Postale 237 - 75822 Paris Cedex 17

Tel +33 (0)1 40 55 43 43 - Fax +33 (0)1 42 67 56 29 / +33 (0)1 53 81 17 17 - Visio Conférence +33 (0)1 58 05 06 73 - E-mail contact@santarelli.com - www.santarelli.com

Issu de la fusion de Rinuy, Santarelli créé en 1977 et de Cabinet Bonnet-Thirion créé en 1852

Merger of the practices of Rinuy, Santarelli (est. 1977) and Cabinet Bonnet-Thirion (est. 1852)

Société anonyme au capital de 1.533.000 euros - N° Intracommunautaire FR 12 340 667 880 / VAT Identification Number FR 12 340 667 880

The demand must be filed directly with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with the one chosen by the applicant. The full name or two-letter code of that Authority may be indicated by the applicant on the line below:

IPEA/EP

PCT

CHAPTER II

DEMAND

under Article 31 of the Patent Cooperation Treaty:

The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty.

For International Preliminary Examining Authority use only

Identification of IPEA		Date of receipt of DEMAND
Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION		Applicant's or agent's file reference BIF116131 ON/IM
International application No. PCT/IB04/03883	International filing date (day/month/year) 10/11/2004 (10 november 2004)	(Earliest) Priority date (day/month/year) 14/11/2003 (14 november 2003)
Title of invention A method for accessing or sharing a digital document in a peer-to-peer communication network		
Box No. II APPLICANT(S)		
Name and address: (<i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i>) CANON KABUSHIKI KAISHA 3-30-2, Shimomaruko, 3-chome, Ohta-ku, TOKYO, Japan		Telephone No.
		Facsimile No.
		Teleprinter No.
		Applicant's registration No. with the Office
State (that is, country) of nationality: JP	State (that is, country) of residence: JP	
Name and address: (<i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i>) LABELLE Lilian 111, rue de la Libération 35720 ST PIERRE DE PLESGUEN France		
State (that is, country) of nationality: FR	State (that is, country) of residence: FR	
Name and address: (<i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i>) NASSOR Eric 20 allée Paul Sérusier 35235 THORIGNE FOUILlard France		
State (that is, country) of nationality: FR	State (that is, country) of residence: FR	
<input type="checkbox"/> Further applicants are indicated on a continuation sheet.		

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2004/003883

International filing date (day/month/year)
10.11.2004

Priority date (day/month/year)
14.11.2003

International Patent Classification (IPC) or both national classification and IPC
H04L29/08, G06F17/30, H04N7/24

Applicant
CANON KABUSHIKI KAISHA

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Jeampierre, G

Telephone No. +49 89 2399-7283



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/003883

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/003883

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes:	Claims	1-7, 9-10, 12-13, 15
	No:	Claims	8,11,14
Inventive step (IS)	Yes:	Claims	1-7,9-10,12-13,15
	No:	Claims	8,11,14
Industrial applicability (IA)	Yes:	Claims	1-15
	No:	Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following documents:

D1: EP-A-1 215 876 (CANON KK) 19 June 2002 (2002-06-19)
D2: US 2003/011683 A1 (YAMASAKI FUMITOMO ET AL) 16 January 2003 (2003-01-16)
D3: US 2003/063771 A1 (MORRIS ROBERT PAUL ET AL) 3 April 2003 (2003-04-03)
D4: MICHAEL J. SWAIN: "Interactive Indexing into Image Databases" INTERNET ARTICLE, [Online] 1993, pages 1-10, XP002286434 Retrieved from the Internet: URL:http://citeseer.ist.psu.edu/cache/paper/cs/3182/http%3A%2F%2Fcse.cs.uchicago.edu%2FzSzSzwww.cs.uchicago.edu%2Fz~swainzSzpubszSzspie93-image-db.pdf%2Fswai_n93interactive.pdf [retrieved on 2004-06-29]
D5: STONE H S: "Fourier-wavelet techniques in image searching" CIRCUITS AND SYSTEMS, 1997. ISCAS '97., PROCEEDINGS OF 1997 IEEE INTERNATIONAL SYMPOSIUM ON HONG KONG 9-12 JUNE 1997, NEW YORK, NY, USA, IEEE, US, 9 June 1997 (1997-06-09), pages 1472-1475, XP010236364 ISBN: 0-7803-3583-X

2. The subject-matter of **independent claim 8** is not new in the sense of Article 33(2) PCT.

2.1 D2 discloses a method of controlling a station capable of sharing a digital document in a communication network (figures 1, 19 and 21) in terms of **claim 8**, comprising the following steps:

- generating an original data item, HR1 (paragraphs 11, 12, 55);
- generating a thumbnail data item, TH1, from the original data item HR1 (paragraphs 11, 12, 55);
- transmitting the thumbnail data item TH1 to another station (figure 19 and paragraphs 11, 12, 57, 142); and
- receiving an access request from said other station to the original data

item HR1 based on the thumbnail data item TH1 (figures 21 and paragraphs 11, 12, 57, 161).

3. The subject-matter of independent **claims 11 and 14** corresponds in terms of computer program and device features to that of claim 8. The above findings (Article 33(2) PCT), therefore, also apply, mutatis mutandis, to independent claims 11 and 14.
4. The subject-matter of **independent claim 9** appears to be new and inventive (Articles 33(2) and 33(3) PCT).
 - 4.1 D1, which is considered to be the closest prior art, discloses a method of controlling a station capable of sharing a digital document in a communication network, in terms of **claim 9**, comprising the steps of:
 - receiving a thumbnail data item, TH2, from another station;
 - transmitting the received thumbnail data item TH2 to a center station;
 - receiving, from the center station, information for accessing an original data item, HR1, related to a thumbnail data item TH1.
 - 4.2 Claim 9 differs from the disclosure of D1 in that the information for accessing the original data item is determined based on the thumbnail data item TH2, whereas in D1 the determination is based on the discrimination data transmitted together with the thumbnail data item.
 - 4.3 The problem to be solved by the present invention may therefore be regarded as how to save bandwidth in a client-server network for sharing a digital document and to reduce the consumption of resources on the client side.
 - 4.4 The solution is solved by the above identified feature of claim 9 not disclosed in D1.
 - 4.5 The available prior art neither discloses nor suggests the solution as specified in the independent claim 9.

In D1, the determination is based on the discrimination data transmitted together with

the thumbnail data item. In a preferred embodiment, the discrimination data includes the telephone number of the client and data on the date and time of photography of the image. D1 mentions that "any other data may be used if it enables a selected image in a plurality of images to be discriminated from the others" (paragraph 78). It does however neither disclose nor suggest the use of the thumbnail itself as a discrimination data and does even lead the reader in another direction ("Such discrimination data for searching images may be prepared in the image server and sent to the digital camera", paragraph 78).

D2 discloses a pure peer-to-peer network without server and does not indicate that the peer who retrieves the original data related to the thumbnail data item it has received from another peer, attaches said thumbnail to his request to the other peer.

D3 mainly differs from the disclosure of claim 9 in that the client station does not have any thumbnail and sends a request containing terms to the central station to get thumbnails and then high resolution of interest contained on other peers.

D4, resp. D5, mainly differs from the disclosure of claim 9 in that the client station does not transmit a thumbnail to the center station but an object, resp. a pattern, to get an image containing this selected object, resp. pattern.

5. The subject-matter of independent **claims 12 and 15** corresponds in terms of computer program and device features to that of claim 9. The above findings (Articles 33(2) and 33(3) PCT), therefore, also apply, mutatis mutandis, to independent claims 12 and 15.
6. The subject-matter of independent **claim 1** corresponds in terms of system features to that of claim 9. The above findings (Articles 33(2) and 33(3) PCT), therefore, also apply, mutatis mutandis, to independent claim 1 and to the corresponding method, computer program and device **claims 2, 10 and 13**, as to dependent claims 3-7.

Re Item VII

Certain defects in the international application

1. The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
2. The terms DD1, DD2, TH1, TH2, HR1 and HR2 used in the claims should not have been placed in parentheses as they presently are, since they are not reference signs.
3. To meet the requirements of Rule 5.1(a)(ii) PCT, the documents D1 and D2, which appear to represent the most relevant prior art, should have been identified in the description and their relevant contents should have been indicated.

Re Item VIII

Certain observations on the international application

1. **Claims 8 and 9** lack clarity (Article 6 PCT) since the proper antecedents of "the other station" (page 37, line 25), "the original data item" (page 38, line 4) and "the thumbnail data item TH1" (page 38, line 4) are missing.
2. The use of the term "stored in" in **claims 10-12** implies that the scope of protection of said claims is unclear (Article 6 PCT). The reader does indeed not know whether protection is searched for a computer program or for an information carrier.

Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The following person is agent common representative

and has been appointed earlier and represents the applicant(s) also for international preliminary examination.

is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.

is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.

Name and address: (*Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.*)

SANTARELLI
14, avenue de la Grande Armée
75017 PARIS
France

Telephone No.

+33 1 40 55 4343

Facsimile No.

+33 1 42 675629

Teleprinter No.

Agent's registration No. with the Office

Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION**Statement concerning amendments:***

1. The applicant wishes the international preliminary examination to start on the basis of:

the international application as originally filed

the description as originally filed
 as amended under Article 34

the claims as originally filed
 as amended under Article 19 (together with any accompanying statement)
 as amended under Article 34

the drawings as originally filed
 as amended under Article 34

2. The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.

3. Where the IPEA wishes to start the international preliminary examination at the same time as the international search in accordance with Rule 69.1(b), the applicant requests the IPEA to postpone the start of the international preliminary examination until the expiration of the applicable time limit under Rule 69.1(d).

4. The applicant expressly wishes the international preliminary examination to start earlier than at the expiration of the applicable time limit under Rule 54bis.1(a).

* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination: English

which is the language in which the international application was filed.

which is the language of a translation furnished for the purposes of international search.

which is the language of publication of the international application.

which is the language of the translation (to be) furnished for the purposes of international preliminary examination.

Box No. V ELECTION OF STATES

The filing of this demand constitutes the election of all Contracting States which are designated and are bound by Chapter II of the PCT.

Box No. VI CHECK LIST

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:

1. translation of international application	:	sheets
2. amendments under Article 34	:	4 sheets
3. copy (or, where required, translation) of amendments under Article 19	:	sheets
4. copy (or, where required, translation) of statement under Article 19	:	sheets
5. letter	:	1 sheets
6. other (specify)	:	sheets

For International Preliminary Examining Authority use only	
received	not received
<input type="checkbox"/>	<input type="checkbox"/>

The demand is also accompanied by the item(s) marked below:

1. <input checked="" type="checkbox"/> fee calculation sheet	5. <input type="checkbox"/> statement explaining lack of signature
2. <input type="checkbox"/> original separate power of attorney	6. <input type="checkbox"/> sequence listing in electronic form
3. <input type="checkbox"/> original general power of attorney	7. <input type="checkbox"/> tables in electronic form related to a sequence listing
4. <input type="checkbox"/> copy of general power of attorney; reference number, if any:	8. <input checked="" type="checkbox"/> other (specify): EPO Form 1037

Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).

SANTARELLI
Olivier NICOLLE
Association of Representatives No. 89

For International Preliminary Examining Authority use only**1. Date of actual receipt of DEMAND:****2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):**

3. The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply.

The applicant has been informed accordingly.

4. The date of receipt of the demand is WITHIN the time limit of 19 months from the priority date as extended by virtue of Rule 80.5.

5. Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rule 82.

6. The date of receipt of the demand is AFTER the expiration of the time limit under Rule 54bis.1(a) and item 7 or 8, below, does not apply.

7. The date of receipt of the demand is WITHIN the time limit under Rule 54bis.1(a) as extended by virtue of Rule 80.5.

8. Although the date of receipt of the demand is after the expiration of the time limit under Rule 54bis.1(a), the delay in arrival is EXCUSED pursuant to Rule 82.

For International Bureau use only

Demand received from IPEA on: